THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 15770 of 2006

Dated: 31-07-2006

Between:

Manair Education Society,
Rep., by its Secretary,
Yellandu Cross Roads,
Khammam.

..... PETITIONER

AND

The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Hanmakonda, Warangal and two others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 15770 of 2006

O R D E R:

This writ petition is filed aggrieved by the proceedings dated 28-03-2006 passed by the first respondent under Section 7A(1) of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (for short 'the Act'). The petitioner states that the said order, which was passed without taking into consideration the version of the petitioner-society, is arbitrary and illegal and since it is an ex parte order, the petitioner-society has already filed an application under sub-section (4) of Section 7A of the Act to set aside the ex parte order. It is alleged that while the said application is pending, the respondents have been taking steps to recover the amounts in pursuance of the impugned order dated 28-03-2006. Hence, this writ petition.

The material on record shows that the petitioner preferred an application under sub-section (4) of Section 7A of the Act, within the time prescribed i.e., on 24-05-2006. Since, the said application is still pending before the first respondent, I deem it appropriate to stay the operation of the impugned order till the said application is decided on merits.

Accordingly, the writ petition is disposed of with a direction to the respondents that the impugned order dated 28-03-2006 shall not be given effect to till the application made by the petitioner-society under 7A (4) of the Act is considered and decided following

due process law. No costs.

G. ROHINI, J

Dated: 31-07-2006
KLP